

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-4, 6-13, and 15-18 are pending in this case, Claims 1-3, 12, 13, 15, 17 and 18 having been currently amended. Support for amended Claims 1-3, 12, 13, 15, 17 and 18 can be found in the original claims, drawings, and specification.¹ No new matter has been added.

In the outstanding Office Action, the specification was objected to due to informalities; Claims 1, 2, 12, 13, 15, 17, and 18 were rejected under 35 U.S.C. §112, second paragraph; Claims 1-4, 6, 8, 11-13, and 15-18 were rejected under 35 U.S.C. §103(a) as unpatentable over Kuroshima et al. (U.S. Patent No. 6,782,426, hereinafter “Kuroshima”) in view of Sivakumar et al. (U.S. Patent No. 6,031,990, hereinafter “Sivakumar”); Claim 7 was rejected under 35 U.S.C. §103(a) as unpatentable over Kuroshima in view of Sivakumar and Hickman et al. (U.S. Patent No. 7,130,888, hereinafter “Hickman”); and Claims 9 and 10 were rejected under 35 U.S.C. §103(a) as unpatentable over Kuroshima in view of Sivakumar and Tanno (U.S. Patent No. 6,374,298).

In response to the objection to the specification, Applicants respectfully submit that a computer readable storage medium is supported in the specification at, for example, page 8, lines 17-20; and page 73, line 13 to page 74, line 8. Further, Applicants note that compliance with the written description requirement of Section 112 only requires that appellant's application contain sufficient disclosure, expressly or inherently, to make it clear to persons skilled in the art that appellant possessed the subject matter claimed. *In re Mott* 539 F.2d

¹ See the specification at page 68, line 4 to page 69, line 1.

1291, 190 USPQ 536, 541 (CCPA 1976). The test for determining compliance with the written description requirement is whether the disclosure of the application as originally filed reasonably conveys to the artisan that the inventor had possession of the claimed subject matter, rather than the presence or absence of literal support in the specification for the claim language. *In re Kaslow* 707 F.2d 1366, 217 USPQ 1089, 1096 (Fed. Cir. 1983).

Accordingly, Applicants respectfully request the objection to the specification be withdrawn.

In response to the rejection of Claims 1, 2, 12, 13, 15, 17, and 18 under 35 U.S.C. §112, second paragraph, Applicants have amended the claims to correct the informalities noted in the outstanding Office Action.

Accordingly, Applicants respectfully request the rejection of Claims 1, 2, 12, 13, 15, 17, and 18 under 35 U.S.C. §112, second paragraph, be withdrawn.

In response to the rejection of Claims 1-4, 6, 8, 11-13, and 15-18 under 35 U.S.C. §103(a) as unpatentable over Kuroshima in view of Sivakumar, Applicants respectfully submit that amended independent Claims 1-3, 12, 13, 15, 17, and 18 recite novel features clearly not taught or rendered obvious by the applied references.

Amended Claim 1 is directed to a control system including, *inter alia*:

... receiving means for receiving a packet including a command for controlling the device and a script indicating processes to be performed to complete the command, from the information processing apparatus via communication established in response to the request issued by the request means; and

control means for controlling the device in accordance with the command included in the packet received by the receiving means,

the information processing apparatus comprising:

establishment means for establishing communication performed via the network between the information processing apparatus and the information terminal, in response to the request issued by the information terminal; and

transmission means for transmitting the packet to the information terminal from the information processing apparatus after the communication with the information terminal is established by the establishment means,

wherein the command includes information indicating whether, when the information terminal fails to perform a process in the packet to be performed in order to complete the command, an other process in the packet should be continued in accordance with a following command, part of the processes in the script for controlling the device are performed in the information terminal, and after the processes in the script are performed, a response packet, including responses from the device to the information terminal, is transmitted to the information processing apparatus.

Independent Claims 2, 3, 12, 13, 15, 17, and 18 recite substantially similar features as Claim 1. Thus, the arguments presented below with respect to Claim 1 are also applicable to independent Claims 2, 3, 12, 13, 15, 17, and 18.

Pages 4-5 of the outstanding Office Action assert that Column 15, lines 39-40 of Kuroshima describes a “receiving means for receiving a packet including a command for controlling the device, from the information processing apparatus via communication established in response to the request issued by the request means,” as previously recited in Claim 1. However, Kuroshima fails to teach or suggest a “receiving means for receiving a packet including a command for controlling the device *and a script indicating processes to be performed to complete the command*, from the information processing apparatus via communication established in response to the request issued by the request means,” as recited in amended Claim 1.

Column 15, lines 38-49 of Kuroshima states:

When the processing starts, since a request from the client is sent in the HTTP protocol format, the server expansion module 32 interprets the request in step S801. If it is determined that the received request is a scan request of image data from the designated TWAIN device 37, parameters set on the client side are acquired, and the flow advances to step S802. In step S802, *the TWAIN control STUB module 33 required to access the TWAIN device 37 is loaded and launched.*

In step S803, *the TWAIN control STUB module 33 loads a TWAIN driver for controlling the corresponding TWAIN device 37* using a versatile TWAIN interface.
(Emphasis Added).

Kuroshima does not describe that the server expansion module 32 receives a packet including a command for controlling the device and a script indicating processes to be performed to complete the command. In Kuroshima, in order for a TWAIN device 37 to be controlled, the TWAIN control STUB module 33 must be loaded, which in turn loads a TWAIN driver. Thus, in Kuroshima, the TWAIN device is not controlled based on a packet including a command for controlling the device and a script.

Further, Applicants respectfully submit that Sivakumar also fails to teach or suggest any of the above features.

Applicants also respectfully submit that the references fail to teach or suggest that “the command includes information indicating whether, when the information terminal fails to perform a process in the packet to be performed in order to complete the command, an other process in the packet should be continued in accordance with a following command,” as in amended Claim 1.

Page 5 of the outstanding Office Action acknowledges that Sivakumar does “not teach wherein the command includes information indicating whether, when the information

terminal fails to perform a process in accordance with the command, a process should be continued in accordance with a following command.” In an attempt to cure the above-noted deficiency of Kuroshima, the Office Action cites Sivakumar.

Sivakumar describes that user-defined programs that perform a specific task can be run on a computer, and that the success or failure of command is determined by a return code of a command.² However, Sivakumar merely describes that a return code is sent identifying whether a task failed or was successful, Sivakumar does not describe that the return code includes information indicating whether another process in a command should be continued based on a following command, if the return code indicates that the task failed.

Lastly, the cited references also fail to teach or suggest that “after the processes in the script are performed, *a response packet, including responses from the device to the information terminal, is transmitted to the information processing apparatus*,” as recited in Claim 1. As described above, Sivakumar merely describes a return code is sent identifying whether a task failed or was successful.

Thus, Applicants respectfully submit that independent Claims 1-3, 12, 13, 15, 17, and 18 (and all claims depending thereon) patentable distinguish over Kuroshima and Sivakumar.

Accordingly, Applicants respectfully request the rejection of Claims 1-4, 6, 8, 11-13, and 15-18 under 35 U.S.C. §103(a) as unpatentable over Kuroshima in view of Sivakumar be withdrawn.

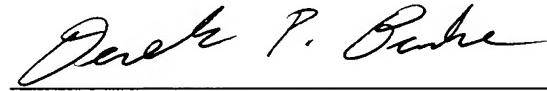
² See Sivakumar at column 4, lines 2-7.

Application Serial No. 10/714,869
Reply to Office Action of April 7, 2008

Consequently, in view of the present amendment, and in light of the above discussion, the pending claims as presented herewith are believed to be in condition for formal allowance, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 03/06)
DPB/rac

Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Derek P. Benke
Registration No. 56,944